## REMARKS/DISCUSSION OF ISSUES

Claims 1-22 are pending in the application.

Applicant acknowledges the indication that claims 3, 10 and 17 define allowable subject matter and would be allowable if rewritten to be in independent form including all features of their respective base claims, and any intermediate claims.

Reexamination and reconsideration are respectfully requested in view of the following remarks.

## 35 U.S.C. § 102

The Office Action rejects claims 1-2, 4-9, 11-16, and 18-22 under 35 U.S.C. § 102 over Tajima U.S. patent 6,928,231 ("Tajima").

Applicant respectfully traverses these rejections for at least the following reasons.

Claim 1

### RESPONSE TO ARGUMENTS

At the outset, Applicant hereby reiterates and restates the arguments and comments made with respect to claim 1 in the Response to the first Office Action for this application, filed on 23 June 2006.

In the "*Response to Arguments*" section, the FINAL Office Action states that "*claims 1, 8 and 15 are 'comprising,' thus the frames that are output from the television tuner are fields as well.*"

However, none of the claims 1, 8 or 15 include any language such as "*comprising a field.*" For example, the system of claim 1 "comprises" an **image processor comparing a demodulated field** from the received broadcast programming to a template defining characteristics of video content desired to be recorded. Now, by the plain language of claim 1, the claimed system may "comprise" things in addition to an image processor, and the image processor may do things other than compare a demodulated filed to a template, but the system of claim 1 must include an image processor **comparing a demodulated field** from the

received broadcast programming to a template defining characteristics of video content desired to be recorded (or the equivalent thereto under the Doctrine of Equivalents).

Thus, for Tajima to disclose the system of claim 1, it must disclose an image processor **comparing a demodulated field** from the received broadcast programming to a template defining characteristics of video content desired to be recorded (or the equivalent thereto under the Doctrine of Equivalents). It is not sufficient to compare something else (e.g., an extracted and processed "normalized face image") to a template defining characteristics of video content desired to be recorded. The word "*comprising*" in claim 1 has absolutely no effect on this requirement.

Meanwhile, however, Tajima does not disclose an image processor comparing a **demodulated field** from the received broadcast programming to a template defining characteristics of video content desired to be recorded. For example, FIG. 2 shows that Tajima compares a normalized face image 26, to a normalized face image 51 stored in a face image database. Face detecting means 2 and face normalizing means 3 **extract** a face or an object from a video signal and process it, to produce a normalized face image 26 which is compared to a normalized face image 51 in a face image database. However, this is not the same as comparing a demodulated **field** from a received broadcast program to a template and determining whether (or not) a threshold similarity exists between the demodulated **field** and the template, which are featured in claim 1. Nothing in the patent rules or the language of claim 1 permits the Examiner to substitute "*extracted object from a video signal*" for "*demodulated field*" when reading claim 1 and determining whether a reference discloses the method of claim 1.

Also in the "*Response to Arguments*" section, the FINAL Office Action states that col. 5, line 64-col. 7, line 6 of Tajima supposedly discloses determining at least a threshold level of similarity between the **field** and the template. However, Applicant respectfully submits that the cited text instead discloses determining at least a threshold level of similarity between a normalized face image 26 and a normalized

face image 51 in a face image database.

A normalized face image 26 is not a field; it is a processed set of video samples.

Accordingly, for at least these reasons, and the reasons stated in the previously-filed Response to the first Office Action for this application, Applicant respectfully submits that claim 1 is patentable over Tajima.

Claims 2 and 4-7

Claims 2 and 4-7 depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to claim 1.

Claim 8

**RESPONSE TO ARGUMENTS**

Among other things, the receiver of claim 8 includes an image processor that compares a demodulated field to a template and saves the field in response to determining at least a threshold level of similarity between the field and the template.

As explained above with respect to claim 1, Tajima does not disclose an image processor comparing a **demodulated field** from a received broadcast programming to a template defining characteristics of video content desired to be recorded, or an image processor that compares a demodulated field to a template and saving the field in response to determining at least a threshold level of similarity between the field and the template.

Accordingly, for at least these reasons Applicant respectfully submits that claim 8 is patentable over Tajima.

Claims 9 and 11-14

Claims 9 and 11-14 depend from claim 8 and are deemed patentable for at least the reasons set forth above with respect to claim 8.

Claim 15

**RESPONSE TO ARGUMENTS**

Among other things, the method of claim 15 includes comparing a field from broadcast programming to a template, and saving the field in response to determining at least a threshold level of similarity between the field and the template.

As explained above with respect to claim 1, Tajima does not compare any demodulated field to a template; and also does not determine any threshold level of similarity between a demodulated field and a template.

Accordingly, for at least these reasons Applicant respectfully submits that claim 15 is patentable over Tajima.

Claims 16 and 18-21

Claims 16 and 18-21 depend from claim 8 and are deemed patentable for at least the reasons set forth above with respect to claim 8.

Claim 22

**RESPONSE TO ARGUMENTS**

At the outset, Applicant hereby reiterates and restates the arguments and comments made with respect to claim 22 in the Response to the first Office Action for this application, filed on 23 June 2006.

In the "*Response to Arguments*" section, the FINAL Office Action states that a datastream is "*simply sequence of digitally (sic) video content to be recorded and saving the field in response to determining a threshold level of similarity between the filed and the template*."

What does that even mean? Applicant respectfully submits that this is completely unintelligible, and is not even a proper English sentence. How can a "datastream" (noun) be "saving" (verb) the field . . . ?"

In any event, the datastream of claim 22 very clearly is recited to include at least one **template defining characteristics of video content desired to be recorded**. For example, page 11, lines 1-8 of the present specification describes how image templates 106 may be transmitted to video receiver 100 via an input connection at which video information is received.

The FINAL Office Action states that Tajima discloses such a datastream at col. 5, line 52-col. 6, line 24.

However, the cited text does not mention any datastream that includes both a broadcast programming stream ***and*** a template defining characteristics of video content desired to be recorded. Specifically, the video signal 1 mentioned in the

cited text does not include any template defining characteristics of video content desired to be recorded. Indeed, Tajima very clearly teaches that its "templates" are stored in face image database 5.

So, Applicant respectfully submits that Tajima does not disclose a broadcast programming stream including selected broadcast programming, and at least one template defining characteristics of video content desired to be recorded.

Accordingly, for at least these reasons, and the reasons stated in the previously-filed Response to the first Office Action for this application, Applicant respectfully submits that claim 22 is clearly patentable over Tajima.

## CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-22 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment (except for the issue fee) to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

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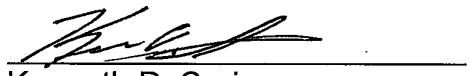
By: 

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